

## **REMARKS**

Reconsideration of this application is requested in view of the amendments to the claims and the remarks presented herein.

The claims in the application are claims 1, 4 and 8 to 12, all other claims having been cancelled.

Applicants' attorney wishes to thank the Examiner in charge of the application for the courtesies extended to him at the interview on November 4, 2004.

All of the claims were rejected under 35 USC 103 as being obvious over the Naftchi et al '933 and '962 patents, the Petrus or Lai patents. The Examiner referred to column 133 of the '933 patent and column 119 of the '962 patent as teaching the same compositions as Applicants were claiming. The Petrus and Lai patents allegedly teach the claimed compound and the Examiner deems it would have been obvious to use the ingredients together since they are claimed for the same use and/or in the same compositions.

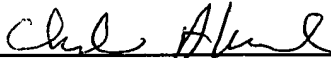
Applicants respectfully traverse this ground of rejection since the references neither anticipate nor render obvious Applicants' invention. The two Naftchi et al patents are clearly related to different reaction products since they are directed to reaction

products of two active ingredients which, as can be seen from Example 1, are not present together. In Example 1, the acid is reacted thienyl chloride to form the acid chloride which is then reacted with the amino compound. There is no admixture whatsoever of the acid and the amino compounds, rather, it is a reaction product of the two. In contrast thereto, Applicants' pharmaceutical combination composition is comprised of two separate distinct compounds which are admixed together and are not a reaction product. Therefore, the Naftchi et al patents are directed to an entirely different invention rather than a reaction product of two ingredients in contrast to Applicants' two separate and distinct components and not a reaction product.

The Lai patent relates to a conjugate of nitrogen oxide scavengers and dithiocarbamates and by conjugates, this means a reactant derived from the same which has the same deficiency as noted above for the Naftchi et al patents. The Petrus patent relates to a method of treating arthritis by administering a composition comprising an inhibitor of nitric oxide synthase and an amino acid which is not an anti-oxidant. This has nothing to do with Applicants' invention since the amino sugars are "the building blocks of articular cartilage and have anti-inflammatory actions as indicated in lines 48 and 49 of column 2 which is a completely different activity. By the use of the expression "consisting essentially of", this excludes components such as amino sugars which would give a completely different activity to the composition and therefore, the amino sugars are excluded by the present terminology and these grounds of rejection also fail.

In view of the amendments to the claims and the above remarks, it is believed that the claims clearly point out Applicants' patentable contribution and favorable reconsideration of the application is requested.

Respectfully submitted,  
Muserlian, Lucas and Mercanti

  
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Charles A. Muserlian, 19,683<sup>3</sup>  
Attorney for Applicants  
Tel.# (212) 661-8000

CAM:ds  
Enclosure